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OLC 74-0607

9 April 1974

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MEMORANDUM FOR THE RECORD

SUBJECT: H. R. 13798, "Central Intelligence Agency Disclosure Act"

H. R. 13798, introduced by Representative Ronald V. Dellums (D., Cal.), amends certain statutory authorities to require the Agency to furnish to the Congress information which the Agency presently is exempt from reporting. The references to the sections of the CIA Act in the bill are from the original legislation and have been renumbered by later amendments. These authorities (copies attached) are as follows:

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- a. Section 2953 of title 5, "Reports to Congress on additional employee requirements"

This section requires agencies to report to Congress in detail any pending or proposed legislation which would involve an estimated annual expenditure of appropriated funds in excess of \$1,000,000. CIA is specifically exempt.

Effect of H. R. 13798:

Requires CIA to provide a report upon the request of "a congressional committee or subcommittee having jurisdiction over matters relating to" CIA.

Comment:

It would appear that suitable arrangements could be made with our oversight committees to meet these requirements if the amendment is enacted into law.

- b. Section 4(a) of the Act of August 28, 1958, "An Act to authorize the making, amendment, and modification of contracts to facilitate the national defense"

This law allows national defense agencies to negotiate contracts with broader latitude when acting in the

national defense. Annual reports to the Congress are required; however, national security information may be omitted.

Effect of H. R. 13798:

Requires that information omitted from a report for reasons of national security must be provided upon request to any congressional committee or subcommittee when the information relates to any matter within its jurisdiction.

Comment:

This amendment could present problems since Agency contracts can be interpreted broadly as relating to the activities of numerous committees, particularly Senate Foreign Relations and House Foreign Affairs.

- c. Section 6 of the Central Intelligence Agency Act of 1949, as amended (Section 7 in H. R. 13798)

This section exempts the Agency from the provisions of any law which would require the publication or disclosure of the organization, functions, names, numbers of personnel, etc., employed by the Agency.

Effect of H. R. 13798:

Requires the Director to provide "any information upon request" to any congressional committee or subcommittee concerning any matters within the jurisdiction of such committee or subcommittee.

Comment:

This amendment would require the Agency to respond to the demands of every committee or subcommittee in Congress. Not only does the Agency not have the assets but it hardly has the competency to, in effect, perform the role of the Library of Congress. The amendment is patently absurd.

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- d. Section 8(b) of the Central Intelligence Act of 1949,
as amended (Section 10 (b) in H. R. 13798)

This section authorizes the Director to expend Government funds for objects of a confidential nature solely on his personal voucher.


Effect of H. R. 13798:

Requires the Director to provide upon request information within the jurisdiction of any committee or subcommittee of Congress which would enable it to determine whether such expenditures conformed to "the authorized functions of the Agency and the congressional intent in establishing the Agency."

Comment:


This amendment would subject the Director's covert funding authority to the oversight of every committee and subcommittee which wishes to inject itself into Agency activities. Clearly, an impossible arrangement.

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Assistant Legislative Counsel

Attachments: As stated

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